



PLANNING COMMISSION SYNOPSIS

Wednesday, January 12, 2005

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **January 12, 2005**. Please remember to turn off your cell phones and pagers. If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

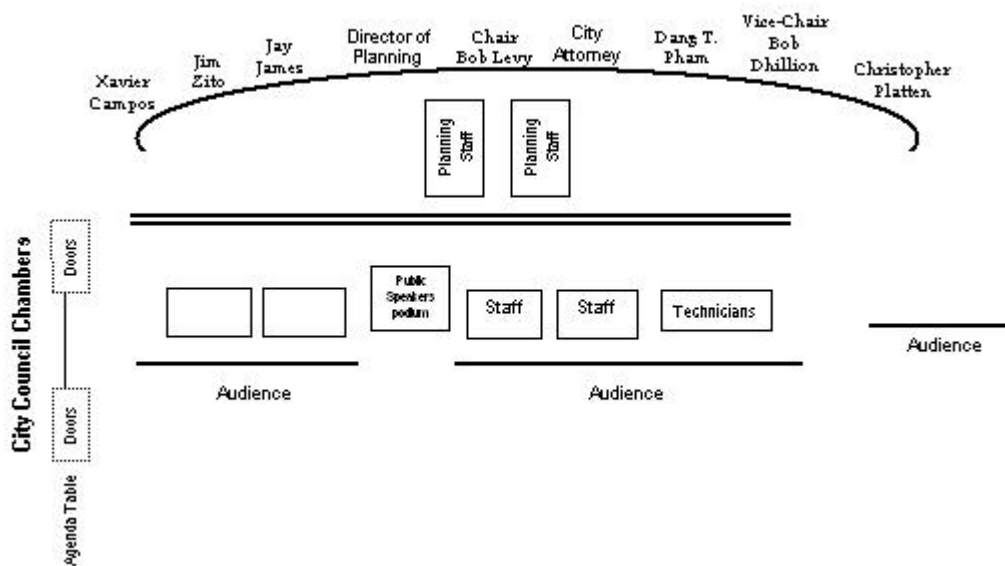
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.

Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda changes, please contact Olga Guzman at olga.guzman@sanjoseca.gov. The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT; PHAM ARRIVED AFTER ITEM 2.a.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP04-036.** Conditional Use Permit to allow the installation of a 56 foot tall wireless communication antenna (flagpole/monopole) and an associated 150 square foot equipment shelter on a 3.91 gross acre site (Tower Academy) in the R-1-8 Residence Zoning District, located at west side of McLaughlin Avenue approximately 100 feet southerly of Bendmill Way (2887 McLaughlin Avenue) (Corpuz Deanna L. Trustee, Owner). Council District 7. SNI: None. CEQA: Exempt. Deferred from 11/29/04 and 12/8/04.

DEFERRED TO 1/26/05 (6-0-1; PHAM ABSENT)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **STREET VACATION.** VACATION OF A PORTION OF A PUBLIC STREET. This is a request to vacate an approximately 9.84-foot wide strip along the north side of E. William Street beginning at the intersection of E. William Street and South Third Street and extending east approximately 138 feet. The area to be vacated is approximately 1,443 square feet. The request to vacate the street is in conjunction with an adjoining development proposal for a ten bed emergency homeless shelter, a residential service facility for 10 clients and two staff, a social service agency, a community center and classroom space, and five multi-family attached residential units (File No.s PDC02-083 and RPD03-004). The area to be vacated will be incorporated into the development. Council District 3. CEQA: EIR Reso# 68839.

APPROVED (7-0)

- b. [CP04-108](#). Conditional Use Permit to allow off-sale and on-sale of alcoholic beverages (wine tasting) at a retail store in an existing shopping center on a 7.07 gross acre site in the CP Pedestrian Commercial Zoning District, located at the northeast corner of Almaden Expressway and Via Valiente (6946 Almaden Expressway) (Sanfilippo Delora J W Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt.

APPROVED (7-0)

- c. [CP04-092](#). Conditional Use Permit to allow continued use of an existing wireless communication monopole for which the prior Conditional Use Permit (CP90-01-024) has expired on a 1.3 gross acre site in the LI Light Industrial Zoning District, located at the west side of Giguere Court, approximately 180 feet northerly of Las Plumas Avenue (631 GIGUERE CT) (Baccaglio Martin H Trustee & Et Al, Owner). Council District 3. SNI: None. CEQA: Exempt

DEFERRED TO 2-23-05 (7-0)

The following items are considered individually.

4. PUBLIC HEARINGS

- a. The projects being considered are located at/on the southeast corner of North 15th Street and Vestal Street (840 N. 15TH ST.) (Kalbali Ali A, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt. Deferred from 12/8/04.
1. [PDC04-044](#). Planned Development Rezoning from R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 2 existing single-family detached residences on a 0.23 gross acre site.

APPROVED (7-0)

2. [PD04-031](#). Planned Development Permit to allow 2 existing single-family detached residential units on a 0.23 gross acre site.

APPROVED (7-0)

COMMISSIONER ZITO ASKED FOR CLARIFICATION OF THE PURPOSE OF THE PROPOSED REZONING WHEN ALL CONDITIONS ARE EXISTING AT THE SITE AND NO CONSTRUCTION IS PROPOSED. COMMISSIONER LEVY EXPLAINED THAT THESE APPROVALS WOULD ALLOW SUBDIVISION OF THE EXISTING PROPERTY. COMMISSIONER ZITO THEN QUESTIONED WHETHER OWNERS OF NEARBY PROPERTIES WOULD BE ABLE TO USE APPROVAL OF A PROJECT SUCH AS THIS ONE AS A BASIS FOR SUBDIVIDING OTHER LOTS IN THE IMMEDIATE VICINITY. STAFF RESPONDED BY NOTING THAT THIS LOT WAS UNIQUE IN THAT IT IS A CORNER PARCEL AND IN THAT IT CONTAINS TWO RESIDENCES THAT

HAVE EXISTED FOR OVER 40 YEARS. SUBDIVISION OF OTHER LOTS IN THE IMMEDIATE VICINITY WOULD NECESSITATE CREATION OF FLAG LOTS, AND THOSE SUBDIVISIONS WOULD NOT MEET THE CRITERIA FOUND IN THE CITY COUNCIL POLICY ON FLAG LOTS, THEREFORE, APPROVAL OF THIS PROJECT WOULD NOT SET A PRECEDENT.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).

COMMISSIONER JAMES MENTIONED THAT THERE WERE STILL TWO SEATS STILL OPEN ON THE COMMITTEE WITH THE RECONFIGURATION OF THE SEATS, ONE SEAT FROM THE COMMUNITY AND ONE FROM THE BUSINESS COMMUNITY.

- Coyote Valley Specific Plan (Platten)

COMMISSIONER PLATTEN INFORMED THE COMMISSION THAT THE TASK FORCE HAS FORWARDED A RECOMMENDED PLAN TO THE CITY COUNCIL FOR CONSIDERATION AT THE JANUARY 18, 2005 COUNCIL MEETING. HE BELIEVES THAT ONCE A PLAN IS ADOPTED MORE DISCUSSION WILL BE GENERATED RELATED TO THE DETAILS OF THE PLAN.

c. Review of synopsis

COMMISSIONER ZITO INDICATED THAT THERE WAS ONE CORRECTION RELATED TO THE VOTE ON ITEM 4.a. FOR THE DECEMBER 8, 2004 MEETING. ZITO IS INDICATED AS ABSENT BUT IN FACT WAS PRESENT FOR THE 6-0-1 VOTE. PLATTEN IS THE COMMISSIONER ABSENT ON THAT VOTE.

d. Study session topics for 2005

THE COMMISSION RECEIVED A LIST OF THE TOPICS AND DID NOT HAVE ANY ADDITIONS AT THIS TIME. THE COMMISSION ALSO VOTED TO HOLD A STUDY SESSION ON THE FIRST MEETING OF EACH MONTH AND THAT THE NEXT STUDY SESSION WOULD BE ON FEBRUARY, 7, 2005 BEGINNING AT 4:45 P.M.

e. Revised Meeting schedule for 2005

THE COMMISSION VOTED TO MOVE THE HEARING OF FEBRUARY 9, 2005 TO MONDAY, FEBRUARY 7, 2005 TO ELIMINATE THE CONFLICT WITH THE MAYOR'S STATE OF THE CITY ADDRESS.

8. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
April 13	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
May 11	6:00 p.m.	Regular Meeting	To be determined
May 25	6:00 p.m.	Regular Meeting	Council Chambers
June 8	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers